

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

SHANE S. PEART,

Plaintiff,

v.

Case No. 8:23-cv-1493-WFJ-JSS

STATE OF FLORIDA,

Defendant.

\_\_\_\_\_ /

**ORDER**

This cause comes before the Court on Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) and the United States Magistrate Judge's report recommending that the motion be denied and the complaint dismissed with leave to file an amended complaint (Dkt. 5). Plaintiff filed a timely response and other submissions. Dkts. 7–9.

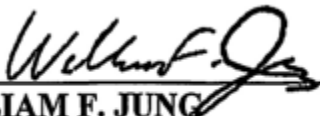
The magistrate judge found that although Plaintiff meets the criteria for indigency, his claims are barred by sovereign immunity. The Court agrees based on the reasons set forth in the Report and Recommendation and an independent examination of the file. Accordingly, the Court rules as follows:

1. The Report and Recommendation (Dkt. 5) is adopted, confirmed, and approved in all respects and made a part of this Order.

2. Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) is denied for the reasons set forth in the Report and Recommendation.

3. Plaintiff's Complaint (Dkt. 1) is dismissed without prejudice and with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure. Plaintiff must file an amended complaint, if any, on or before August 15, 2023, or this case will be dismissed without further notice.

**DONE AND ORDERED** at Tampa, Florida, on July 26, 2023.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Plaintiff, *pro se*